



*Office of the United States Attorney
District of Arizona*

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For Information Contact Public Affairs
SANDY RAYNOR
Telephone: (602) 514-7625
Cell: (602) 525-2681

HUD OIG SPECIAL AGENT IN UTAH INDICTED AND ARRESTED ON BANK FRAUD AND FALSE STATEMENT CHARGES

PHOENIX - A federal grand jury in Salt Lake City returned a 3-count indictment yesterday against a special agent of the Office of Inspector General, U.S. Department of Housing and Urban Development. The indictment was unsealed today after Mark David Viau, 41, of Layton, Utah, was arrested without incident in Salt Lake City. Viau (pronounced "View") is charged with two counts of Making a False Statement to federal authorities and one count of Bank Fraud.

The indictment alleges that Viau failed to report on a 2005 financial disclosure form that he held a position outside his duties as a federal agent in the company Funding Matrix LLC. He also failed to report on that same form that he conducted real estate business dealings. The third count of the indictment alleges that Viau willfully devised a scheme to defraud a bank by obtaining a mortgage loan for a residence and then renting the residence that was intended to be a secondary home.

Viau made an initial appearance and was arraigned in federal court today in Salt Lake City before U.S. Chief Magistrate Judge Samuel Alba. He was released pending trial set for December 29, 2008 in front of U.S. District Judge Dee Benson. An indictment is simply the method by which a person is charged with criminal activity and raises no inference of guilt. An individual is presumed innocent until competent evidence is presented to a jury that establishes guilt beyond a reasonable doubt.

A conviction for Bank Fraud has a maximum penalty of 30 years in prison, a \$1,00,000 fine or both. A conviction for Making a False Statement has a maximum penalty of five years in prison, a \$250,000 fine or both. If Viau is convicted, Judge Benson will consult the U.S. Sentencing Guidelines in determining an actual sentence. The sentencing guidelines provide appropriate sentencing ranges, however, the judge is not bound by those guidelines in determining a sentence.

The investigation preceding the indictment was conducted by the Federal Bureau of Investigation in Salt Lake City and the Office of Inspector General, U.S. Department of Housing and Urban Development in Kansas City, Kansas. The prosecution is being handled in Salt Lake City by Cynthia Wood, Assistant U.S. Attorney, District of Arizona, Tucson, Ariz., specially appointed because the District of Utah is recused from the case.

CASE NUMBER: CR-08-00711
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